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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,621	10/24/2003	Timothy Ray Locascio	104195-0009	1503
24267	7590	05/16/2006	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,621	Applicant(s) LOCASCIO ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Somerville et al. (US 2005/0047556 A1) in view of Ribot (US 2003/0187993 A1).

Regarding **claim(s) 1, 10, 19 and 21**, Somerville discloses a method of licensing and managing media resources in a telecommunications system including a converged services platform (FIG. 1A and paragraph 0001), said method comprising the steps of:

dynamically allocating portions of said central pool to one or more media resource cards (paragraph 0022).

Somerville fails to disclose creating a central pool of storing resource points representing a licensed or authorization level.

However, Ribot teaches creating a central pool of storing resource points representing a licensed or authorization level of media resource service capability (paragraphs 0036 and 0037).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Somerville using the teaching of authorized credentials as taught by Ribot.

This modification of the invention enables the system to create a central pool of storing resource points representing a licensed or authorization level so that the user would access the communications system based on its privileges.

Regarding **claim(s) 2, 20 and 22**, Somerville discloses a method, further comprising the step of: storing in said central pool default and/or additional licensed resource points represented by a converged services platform (paragraph 0021).

Regarding **claim(s) 3, 11 and 23**, Somerville discloses a method, wherein said allocating step allocates portions of said central pool to a particular media resource card for a specific media resource service (paragraph 0026).

Regarding **claim(s) 4, 12 and 28**, Somerville discloses a method, further comprising the step of: providing redundancy in the event a media resource card becomes unavailable by allocating additional portions of said central pool to remaining available cards (paragraph 0027).

Regarding **claim(s) 5, 13 and 24**, Somerville discloses a method, further comprising the step of: designating a specified number of resource points required to perform each media resource service available (paragraph 0026).

Regarding **claim(s) 6, 14 and 25**, Somerville discloses a method, further comprising the step of: determining a number of resource points needed to perform an application by multiplying a number of required media resource services by their corresponding number of required resource points (paragraph 0026).

Regarding **claim(s) 7, 15 and 26**, Somerville discloses a method, further comprising the step of: licensing additional resource points to a customer in the event that said resource points needed to perform an application are greater than said default resource points available (paragraph 0022).

Regarding **claim(s) 8 and 27**, Somerville discloses a method, further comprising the step of: notifying said customer that a license for additional resource points is needed in that event (paragraph 0029).

Regarding **claim(s) 9 and 16**, Somerville discloses a method, wherein said media resource service is selected from the group consisting of tone generation, tone detection, and recording/playback of Voice recorded announcements (paragraph 0022).

Regarding **claim(s) 17**, Somerville discloses a converged services platform, further comprising: cache memories programmed to cache voice recorded announcements and/or other announcements for playback (paragraph 0022).


Regarding **claim(s) 18**, Somerville discloses a converged services platform, further comprising: an associated tile server coupled with a network interface and said processor, said file server storing said voice recorded announcements and other announcements (paragraph 0022).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

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May 9, 2006